



PRIVILEGED AND CONFIDENTIAL

PATENT
Attorney Docket **044137-5025-01**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Alan Solomon et al.**)
Application No. **09/316,387**) Group Art Unit: **1647**
Filed: **May 21, 1999**) Examiner: **Sharon Turner**
For: **Methods for Amyloid Removal Using**)
 Anti-amyloid Antibodies)

DECLARATION UNDER 37 C.F.R. § 1.131

We Alan Solomon, Rudi Hrncic and Jonathan Stuart Wall, declare as follows:

1. We are the named inventors of the above referenced application (Ser. No. 09/316,387).

2. We have read and understand the Office Action of June 20, 2005, in particular the rejection of the pending claims under 35 U.S.C. § 102(e) over U.S. Patent 6,743,427 (the '427 patent) and U.S. Patent 6,787,523 (the '523 patent).

3. We understand that the earliest asserted priority date of the '427 and '523 patents is December 2, 1997 through the priority claim to U.S. Provisional Application Ser. No. 60/067,740.

4. We invented the subject matter of the pending claims before December 2, 1997. In one embodiment, monoclonal antibodies anti- κ 1 (57-18H12), deposited as ATCC Acc. No. PTA-104 and anti- κ 8 (31-8c7), deposited as ATCC Acc. No. PTA-103 are disclosed in our U.S. Application Ser. No. 09/316,387.

5. Exhibit A, dated before December 2, 1997, shows that antibodies anti- κ 1 (57-18H12), deposited as ATCC Acc. No. PTA-104 and anti- κ 8 (31-8c7), deposited as ATCC Acc. No. PTA-103 bind to different types of amyloid fibrils, including amyloid

fibrils consisting of A β peptide by ELISA analysis (see rows G & H wherein A β 25-35 was incubated with antibody 57-18H12 (Columns 1 & 2) or antibody 31.8c7 (columns 9 & 10)).

6. Exhibit B, dated before December 2, 1997, shows that antibodies anti- κ 1 (57-18H12), deposited as ATCC Acc. No. PTA-104 and anti- κ 8 (31-8c7), deposited as ATCC Acc. No. PTA-103 remove amyloidoma masses when administered in an effective amount in a mouse model (see photographs of mice wherein the mice, previously injected with amyloid material, exhibit complete removal of the amyloidoma after administration of the antibody).

7. We each further declare that all statements made herein on our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Respectfully submitted,

Alan Solomon

Date

Rudi Hrncic

Date

Jonathon Stuart Wall

Date